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Congress of the United States
House of Representatives
Washington, DC 20515-2110

April 11, 2005

COMMITTEE ON
INTERNATIONAL RELATIONS

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The Honorable Henry J. Hyde
Chairman
House International Relations Committee
2170 Rayburn House Office Building
Washington, DC 20515

The Honorable Dana Rohrabacher
Chairman
Subcommittee on Oversight & Investigations
House International Relations Committee
2338 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Hyde and Chairman Rohrabacher:

As you know, United Nations Secretary-General Kofi Annan last month called on the member states of the UN to agree later this year on an unambiguous definition of "terrorism." He endorsed the proposal of a high-level panel of experts (which included former United States National Security Advisor Brent Scowcroft and Arab League Secretary-General Amre Moussa) that, excluding the legitimate use of military force, "any action constitutes terrorism if it is intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a Government or international organization to do or abstain from doing any act."

The Bush Administration responded positively to the panel's proposal, saying: "The US strongly agrees with the Panel's emphasis on the need for a more effective response to international terrorism...We agree that a definition of terrorism needs to exclude state military options and underscore the fact of occupation does not justify the targeting and killing of civilians."

Obtaining international agreement on such a clear definition of terrorism would be a major victory for the US – because many who object to our nation's efforts in the struggle against al Qaeda and the war in Iraq have echoed the saying that "one man's terrorist is another man's freedom fighter." With this international agreement, *all* terrorists would be clearly identified as the enemies of civilization – and all nations would have a duty to assist in the effort to end this scourge which so threatens our people.

But within weeks of this proposal, we now face a situation where this potential American victory is in grave danger of being undermined because of a case which calls into question our own willingness to oppose all terrorism, no matter what the source. It appears that a wanted terrorist has entered the US with the expectation that he will be allowed to stay because some here view him as a "freedom fighter" instead of a cold-blooded killer.

Over the past week the *Miami Herald* and other media outlets reported that a self-confessed terrorist, Luis Posada Carriles, is in Florida and intends to seek political asylum. Apparently Posada is under the impression that, since his terrorist activities were carried out against Cubans living under the regime of Fidel Castro, the Bush Administration will permit him to stay in the US. It may not be surprising that he came to this conclusion, given that two other notorious terrorists – Orlando Bosch, from Cuba, and Emmanuel Constant, from Haiti – are now US residents, thanks to intervention by previous Administrations.

Posada is a Venezuelan citizen born in Cuba who, after that country's revolution, devoted himself to opposing the Castro regime through violent means. In 1985, while facing charges of killing 73 people by blowing up a civilian Cuban airliner, he escaped from a Venezuelan jail (Bosch, his alleged co-conspirator in that attack, justified it by saying "all of Castro's planes are warplanes" and "there were no innocents on that plane"). Posada remains a wanted fugitive; has confessed to setting off a series of bombs in Cuba in 1997; was convicted in Panama of endangering public safety in planning Castro's assassination during a regional summit; and has been associated with a number of other terrorist incidents.

That such an obvious menace was allowed into the US does not simply point to a dangerous failure to secure our borders, although that certainly is troubling in itself. Unfortunately, given the enmity between the Cuban and US governments, it is possible that US officials may have turned a blind eye to Posada's entrance into our country – or even worse, facilitated it.

If that were true – or even if it were not, but Posada is allowed to remain here – it would obliterate America's credibility in the war on terrorism, because it would suggest that we share the view of those who support al Qaeda and the Iraqi insurgents that "one man's terrorist is another man's freedom fighter." The fundamental credibility of the war on terrorism – and the US position in the upcoming UN debate – hangs in the balance.

It is critical that our Subcommittee immediately launch an investigation to determine: whether Posada is actually in the United States; how he entered and under what authority; who, if anyone, assisted him and how; what foreknowledge anyone in our government may have had of his plans to enter the US; what actions were undertaken as a result of this knowledge; and what rationale may exist for not expelling him from this country as soon as possible

so that he can face justice. Our panel must also hold hearings on this matter so that Congress can assure the American people and the world that our nation will not be allowed to become a refuge for terrorists.

I would appreciate the courtesy of a prompt written response. Please feel free to contact me or my staff at (202) 225-3111 with any questions or for more information. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Will. Delahunt", written in a cursive style.

William D. Delahunt
Ranking Member
Subcommittee on Oversight & Investigations

cc: HIRC Ranking Member Tom Lantos